

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CECIL HALL,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*,

Defendants.

2:10-cv-00054-JCM -VCF

O R D E R

Before the court is plaintiff Cecil Hall's Motion For Scheduling Order for Discovery. (#17). Defendants did not oppose the motion.

Plaintiff filed his *pro se* civil rights complaint on January 13, 2010. (#1). Defendants filed their answer on September 6, 2011. (#15). Plaintiff now seeks an order form this court scheduling discovery. (#17). Pursuant to Local Rule 16-1(b), "in actions by or on behalf of inmates under 42 U.S.C. § 1983 ...no discovery plan is required," rather "a scheduling order [is] entered within thirty (30) days after the first defendant answers or otherwise appears." Since defendants filed their answer on September 6, 2011, entering a scheduling order is proper at this time. *See* LR 16-1(b).

Accordingly, and for good cause shown,

IT IS ORDERED that plaintiff Cecil Hall's Motion For Scheduling Order for Discovery (#17) is GRANTED.

IT IS FURTHER ORDERED that pursuant to Federal Rules of Civil Procedure 16(b) and LR 16-1 this Scheduling Order shall be filed and served upon the parties or their counsel¹, if there is counsel

¹ When the term "counsel" is used in this Scheduling Order, it shall include any and all parties appearing *pro se*.

of record, when the first defendant answers or otherwise appears in this action.

IT IS FURTHER ORDERED that:

1. Any and all pleadings that may be brought under Fed. R. Civ. P. 13 & 14, or joining additional parties under Fed. R. Civ. P. 19 & 20, shall be filed within **sixty (60) days** from the date of this Order. Any party causing additional parties to be joined or brought into this action shall contemporaneously therewith cause a copy of this Order to be served upon the new party or parties.

2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are allowed without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall be filed and served within **sixty (60) days** from the date of this Order.

3. Any discovery motions shall be filed and served no later than **eighty (80) days** from the date of this Order.

4. Motions for summary judgment shall comply with the requirements of LR 56-1 and shall be filed and served no later than **thirty (30) days after the close of discovery**.

5. Any motion filed beyond the time limit fixed by this Scheduling Order shall be stricken, unless the Court grants an exception for good cause shown.

6. **DISCOVERY:** Pursuant to LR 16-1(b), discovery in this action shall be completed on or before **ninety (90) days** from the date of this Order.

7. **EXTENSIONS OF DISCOVERY:** Pursuant to LR 26-4, an extension of the discovery deadline will not be allowed without a showing of good cause. All motions or stipulations to extend discovery shall be received by the Court at least **twenty (20) days** prior to the date fixed for completion of discovery by this Scheduling Order, or at least **twenty (20) days** prior to this expiration of any extension thereof that may have been approved by the Court. The motion or stipulation shall include:

(a) A statement specifying the discovery completed by the parties of the date of the motion or stipulation;

(b) A specific description of the discovery which remains to be completed;

1 (c) The reasons why such remaining discovery was not completed within the time limit of
2 the existing discovery deadline; and

3 (d) A proposed schedule for the completion of all remaining discovery.

4 8. In the event that the Federal Rules of Civil Procedure provide for any shorter time
5 periods for the filing of motions or pleadings, said shorter time limits shall apply notwithstanding the
6 time limits set forth in this Scheduling Order. Pursuant to the authority given to the Court in Fed. R.
7 Civ. P. 16(b), motions for summary judgment under Fed. R. Civ. P. 56 must be filed no later than the
8 time provided in paragraph 4 of this Order.

9 9. **PRETRIAL:** Pursuant to LR 16-3(a), the Clerk shall issue a Pretrial Notice Order five
10 (5) days past the date for filing motions for summary judgment or all motions for summary judgment
11 are denied, whichever is later.

12 10. Any party who desires an amendment to this Scheduling Order shall, within **sixty (60)**
13 **days** hereof, file and serve a statement of proposed amendments and the reasons therefor. Each other
14 party shall have **fifteen (15) days** within which to file and serve a response thereto. After expiration
15 of the 60-day period, any amendment of this Scheduling Order shall be granted only upon motion and
16 good cause shown.

17 11. In all cases where a party or counsel is required to effect service hereunder, a certificate
18 of such service shall be filed forthwith with the Clerk of the Court.

19 DATED this 20th day of October, 2011.

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22 **CAM FERENBACH**
23 **UNITED STATES MAGISTRATE JUDGE**
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